

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER ROBERT FLORES,

Plaintiff,

v.

ALAMEDA COUNTY SHERIFF'S
DEPARTMENT,

Defendant.

Case No. [15-cv-03515-KAW](#)

**ORDER GRANTING DEFENDANT
COUNTY OF ALAMEDA'S MOTION
TO DISMISS WITH PREJUDICE**

Re: Dkt. No. 14

On July 30, 2015, Plaintiff Christopher Robert Flores filed a lawsuit pursuant to 42 U.S.C. § 1983 against Defendant County of Alameda (sued erroneously as the “Alameda County Sheriff’s Department”) and Does 1-10. Therein, Plaintiff alleges that, following his arrest on or about July 6, 2015, he was transported to Santa Rita Jail, where he informed two Sheriff’s Deputies that he had a seizure condition that required twice daily medication, but was told that there was no nurse on duty. (Compl., Dkt. No. 1 ¶¶ 8-11.) Plaintiff claims that, despite making numerous requests, he was not provided anti-seizure medication until he suffered a grand mal seizure while in custody. (Compl. ¶ 12.) Plaintiff’s complaint consists of two causes of action, one of which is against the County and the other against the doe defendants.

On November 3, 2015, Defendant County of Alameda filed a motion to dismiss the first cause of action on the grounds that Plaintiff has failed to allege facts establishing a plausible *Monell* claim against the County of Alameda. (Def.’s Mot., Dkt. No. 14 at 1.)

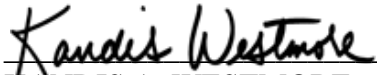
On November 17, 2015, Plaintiff filed a response in which he conceded that the cause of action against Defendant County of Alameda should be dismissed and the County should no longer be a party to this action. (Pl.’s Resp., Dkt. No. 17 at 1-2.) Plaintiff asked that the Court’s order dismissing the County should reflect that Plaintiff will require the County’s cooperation with

1 discovery. *Id.* at 2. The Federal Rules of Civil Procedure, however, specifically address how to
2 engage in discovery with non-parties, so the Court is confident that Plaintiff will avail himself of
3 the methods available. *See* Fed. R. Civ. P. 45. Moreover, to the extent that the County will be
4 representing the Doe Sheriff's deputies, the Court has no basis to believe that an order requiring
5 the County to cooperate in discovery is necessary.

6 Accordingly, the Court deems this matter suitable for disposition without oral argument
7 pursuant to Civil L.R. 7-1(b), and GRANTS with prejudice Defendant County of Alameda's
8 motion to dismiss the first cause of action.

9 IT IS SO ORDERED.

10 Dated: December 9, 2015

11 
12 KANDIS A. WESTMORE
13 United States Magistrate Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California